IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA)	
	Plaintiff,) 8:07CR71)	
	vs.) DETENTION ORDER	
CA	ANDIDO ALVA-DIAZ,		
	Defendant.	'	
A.	Order For Detention After conducting a detention hearing pursua Act on March 7, 2007, the Court orders the ato 18 U.S.C. § 3142(e) and (i).	ant to 18 U.S.C. § 3142(f) of the Bail Reform above-named defendant detained pursuant	
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 		
C.	distribute methamphetar carries a minimum sen maximum of life imprison (Counts 7-11) in violatio minimum sentence of fiv forty years imprisonmen (b) The offense is a crime o (c) The offense involves a r	and includes the following: ne offense charged: by to distribute and possess with intent to nine (Count I) in violation of 21 U.S.C. § 846 ntence of ten years imprisonment and a ment; the distribution of methamphetamine on of 21 U.S.C. § 841(a)(1) each carry a new years imprisonment and a maximum of t. f violence.	
	may affect whet X The defendant I X The defendant I X The defendant I X The defendant is X The defendant ities. Past conduct of The defendant I The defendant I The defendant I The defendant I	appears to have a mental condition which ther the defendant will appear. The nas no family ties in the area. The nas no steady employment. The nas no substantial financial resources. The nas not a long time resident of the community. The defendant: The nas a history relating to drug abuse. The nas a history relating to alcohol abuse. The nas a significant prior criminal record. The nas a prior record of failure to appear at	

DETENTION ORDER - Page 2

(b) At the time of the current arrest, the defendant was on: Probation		
Parole		
Release pending trial, sentence, appeal or com	noletion of	
sentence.	.p.o	
(c) Other Factors:		
X The defendant is an illegal alien and is s	subject to	
deportation.	subject to	
The defendant is a legal alien and will be s	subject to	
deportation if convicted.	sabjoot to	
X The Bureau of Immigration and Custom Enfo	orcement	
(BICE) has placed a detainer with the U.S. Mars		
Other:	, i.d.i.	
X (4) The nature and seriousness of the danger posed by the defendant's		
release are as follows: The nature of the charges in the Indictment and the		
BICE detainer.		
X (5) Rebuttable Presumptions		
In determining that the defendant should be detained, the Court also relied		
on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)		
which the Court finds the defendant has not rebutted:	- , ,	
X (a) That no condition or combination of conditions will re		
assure the appearance of the defendant as required and		
of any other person and the community because the Court finds t		
the crime involves:		
(1) A crime of violence; or		
X (2) An offense for which the maximum pena	alty is life	
imprisonment or death; or	_	
X (3) A controlled substance violation which has a	a maximum	
penalty of 10 years or more; or		
(4) A felony after the defendant had been convi		
or more prior offenses described in (1) the		
above, <u>and</u> the defendant has a prior convicti		
of the crimes mentioned in (1) through (3) ab	ove which	
is less than five years old and which was o		
while the defendant was on pretrial release.		
X (b) That no condition or combination of conditions will reasona		
assure the appearance of the defendant as required and the safet		
of the community because the Court finds that there is	probable	
cause to believe:		
X (1) That the defendant has committed a c		
substance violation which has a maximum	penalty of	
10 years or more.		
(2) That the defendant has committed an offens		
U.S.C. § 924(c) (uses or carries a firearm du		
relation to any crime of violence, including a		
violence, which provides for an enhanced pu		
if committed by the use of a deadly or of	angerous	
weapon or device).		

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

DETENTION ORDER - Page 3

- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: March 7, 2007. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge